

**AMENDMENTS TO THE DRAWINGS**

Please amend Figure 3 to include PRIOR ART below FIG. 3. A replacement Figure incorporating these changes is submitted herewith and is designated as such by an appropriate identifier in the top margin thereof.

## **REMARKS**

### ***Response to Arguments***

- 3.1 The Examiner withdraws the rejection of claims 1-187 under 35 U.S.C. §112(1).  
The Applicant acknowledges the withdrawal of the rejections, and wishes to thank the Examiner for this finding.
- 3.2 The Examiner withdraws the rejection of claims 1-187 under 35 U.S.C. §112(2).  
The Applicant acknowledges the withdrawal of the rejections, and wishes to thank the Examiner for this finding.
- 3.3 The Examiner withdraws the rejection of claims 1-187 under 35 U.S.C. §103(a).  
The Applicant acknowledges the withdrawal of the rejections, and wishes to thank the Examiner for this finding.

### ***Drawings***

4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Corrected drawings are required.

In response to item 4, a corrected drawing is provided herein. This drawing is in compliance with 37 CFR §1.121(d).

### ***Double Patenting***

5. Claims 153-187 are objected to under 37 CFR §1.75 as being a substantial duplicate of claims 119-152.

In response to item 5, it is respectfully submitted that the two cited claim groups are not substantial duplicates. Claim 119 (and claims 120-152, dependent thereon) are drawn to a storage medium. In contrast, claims 153 (and claims 154-187, dependent thereon) are drawn to a computer data signal. Turning to page 54 of the specification (lines 14-30), for “instructions embodied in tangible media,” the computer program code is loaded into and executed by a computer. In another embodiment, the data signal is transmitted before being loaded. Although

the differences may be subtle, it is considered that these embodiments are patentably distinct. The Applicant respectfully requests that the Examiner reconsider and rescind this objection.

6. Claims 1-187 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-78 of US Patent No. 6,775,581 in view of US Patent No. 5,874,955 Rogowitz, et al.

In response to item 6, a timely filed terminal disclaimer in compliance with 37 CFR §1.321(c) is submitted herein.

***Allowable Subject Matter***

7. Claims 1-187 are allowable.

It is considered that the timely filed terminal disclaimer and arguments concerning the objection to claims 119-187 address outstanding matters regarding the allowance of claims 1-187. The Examiner is thanked for the findings presented herein.

## **CONCLUSION**

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicant. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are additional charges with respect to this matter or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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CANTOR COLBURN LLP

By



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